

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0002/FULL 02.01.2019	FCFM Group Properties VI Ltd Mr J Steven 39 Sloan Street Knightsbridge London SW1X 9LP	Redevelop the former Somerfield Supermarket, including the partial demolition of the existing structure and construction of 47 No. 1 and 2 bed apartments over three storeys; and development of 21 permanent artisan market units, to be located on the existing market square to the south of The Market Place shopping centre Unit A 12 The Market Place Blackwood NP12 1ZP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located to the west of Blackwood High Street.

Site description: The application site comprises the former Somerfield Supermarket building, and the Market Square area that is located to the south of the Market Place Shopping Centre and to the north of the Blackwood Bus Station building.

Development: It is proposed to redevelop the former Somerfield Supermarket to include the partial demolition of the existing structure (excluding the recently occupied Gym element) and construct 47 apartments (1 and 2 bedrooms) over three storeys. It is also proposed to develop 20 permanent artisan market units on the site of the existing Market Square.

Dimensions: Residential apartment block - It is proposed to demolish the remaining section of the former Somerfield Supermarket building to the north of the recently opened Gym. This area of demolition measures approximately 46 metres in width when viewed from the existing car park that fronts the site to the west. The height of the existing building varies between 7.8 - 9.0 metres, with the higher part of the roof at the northern extent of the building. The proposed ridge height for the apartment building is 10.8 metres, stepping down to 8.1 metres at the northern extent of the building.

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The demolition and rebuild only relates to the structure at upper level, i.e. former Supermarket slab level. Therefore the existing retail/commercial uses at the Market place below will be unaffected by the works (post-completion).

Artisan Market Building - The proposed structure is roughly 'U' shaped in plan. Each Unit (20 in total) has a floor area of approximately 4.6 metres x 3.7 metres. The overall footprint of the structure measures 32 metres x 33 metres with circulation space and a covered walkway.

Materials: Residential apartment block - Brick to match existing shopping centre, elements of timber cladding, and slate tile roof to match existing.

Artisan market - Blue/grey stone cladding and timber cladding walls, with single ply membrane flat roof.

Ancillary development, e.g. parking: 47 parking spaces are proposed to serve the proposed residential apartments, i.e. one per dwelling.

An internal garden courtyard area is proposed to serve as amenity space for future occupiers of the proposed apartments. This area has a footprint of approximately 230 sq. metres. Numerous balconies and terraces are also proposed to serve as amenity space.

An electric car charging point that can charge up to two cars at any one time will also be provided in the parking area.

PLANNING HISTORY 2005 TO PRESENT

17/0752/COU - Subdivide the existing retail (Class A1) unit into three units and change the use of one new unit from retail (Class A1) to gym (Class D2) use - Granted - 09.11.2017.

16/1006/COU - Subdivide existing A1 retail unit into three units, provide associated changes to the external appearance and servicing arrangements, and change the use of one new unit from A1 retail to D2 gym - Granted - 12.01.2017.

17/0754/ADV - Display 2 no. internally illuminated fascias and various window manifestations - Granted - 13.11.2017.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary as well as the Blackwood Principal Town Centre Boundary.

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Policies:

Strategic Policies

Policy SP2 Development Strategy (NCC)

Policy SP4 Settlement Strategy

Policy SP5 Settlement Boundaries

Policy SP6 Place Making

Policy SP7 Planning Obligations

Policy SP14 Total Housing Requirements

Policy SP15 Affordable Housing Target

Policy SP19 Transport Infrastructure Improvements

Policy SP21 Parking Standards

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion

Policy CW2 Amenity

Policy CW3 Design considerations (Highways)

Policy CW5 Protection of the Water Environment

Policy CW10 Leisure and Open Space provision

Policy CW11 Affordable Housing Planning Obligation

Policy CW14 Use Class Restrictions - Retail

Policy CW15 General locational constraints

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations

LDP5: Car Parking Standards

LDP6: Building Better Places to Live

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018)

Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

Technical Advice Note 2: Planning & Affordable Housing (2006)

Technical Advice Note 4: Retail and commercial development (2016)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic development (2014)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

CCBC - 21st Century Schools - Confirm that there is adequate room to take catchment children into the English and Welsh Primary Schools, and the English Secondary School. Also that there is limited availability for future years in the Welsh medium Comprehensive School that would currently serve the site in Fleur de Lys. However, this is based on the assumption that all planning permissions for residential development in the area will go ahead, and this may not be the case.

Head Of Public Protection - Request that a noise assessment be undertaken to assess the potential noise impact of existing commercial uses that surround the site on the future amenity of future occupiers of the proposed residential apartments. However, this is a town centre location where residential development is acceptable in principle and where there are existing residential properties. On this basis, a suitably worded Condition will be attached to the permission requiring the developer to ensure noise mitigation measures are agreed prior to the commencement of the development. As the developer has control of the service/delivery yard that will sit beneath some apartments, they are able to control the timing of deliveries, etc.

An Air Quality Impact Assessment is also requested. However, as the proposed use, i.e. residential apartments, will generate less traffic movements than the existing lawful use of the site, i.e. supermarket, the development will result in an overall improvement in terms of traffic movements and associated air quality issues. Furthermore, given the proposed position of the apartment, i.e. above and away from the High Street (approximately 50 metres, and behind the buildings that front onto High Street), the proposal is not introducing new receptors (people) into a potential air quality management area. Therefore it is not considered to be reasonable to request such an Air Quality impact Assessment for this development. The developer has agreed to provide an electric car charging point to serve the new development, a measure that will contribute to improving air quality in the future.

CCBC Housing Enabling Officer - Blackwood falls within the Blackwood ward which for the purposes of the affordable housing Supplementary planning Guidance falls within the Northern Connections Corridor housing market area. This area has an affordable housing target of 25%. This equates to 11 units of affordable housing. The developer is agreeable to this and the requirement will be secured by way of Section 106 Legal Agreement.

Senior Engineer (Land Drainage) - No objection subject to land drainage Condition.

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Parks And Open Spaces - No comments.

Head Of Public Services - Provides advice to the developer regarding refuse storage and collection.

Transportation Engineering Manager - No objection subject to Conditions.

Dwr Cymru - Provide advice to the developer.

Police Architectural Liaison Officer - Raise no objection to the proposal. Comment that the development has good levels of natural surveillance.

Wales & West Utilities - Provide advice to the developer.

Western Power Distribution - No comments.

Ecologist - Based on the submitted Preliminary Bat Roost Assessment Report (summarised above) no objection is raised subject to requested Conditions and advice.

Town Centre Manager CCBC - Welcomes the proposed development as a way to potential reinvigorate the Centre and increase footfall. Raises concern that the Artisan Market may block views to the existing Bus station building given its high architectural merit. On this basis the applicant agreed to reduce the length of the proposed artisan market in this area thereby improving views towards the Bus Station. Asks for consideration to be given to an A1 only use class for the proposed units.

ADVERTISEMENT

Extent of advertisement: 84 nearby residential and commercial properties were consulted by way of letter and a bi-lingual site notice was displayed on a street lighting column on the Market Square.

Response: Four objections have been received.

Summary of observations:

1. Loss of privacy to nearby residential properties;
2. Loss of outlook/view;
3. Devaluation of property;
4. Inadequate car parking to serve proposed development;
5. Potential damage from trees within the application site;
6. Potential anti-social behaviour associated with the Market Place development;
7. How many car parking spaces will be retained for use by the public/shoppers;
8. Where will the existing outdoor market be held;
9. Will there be restrictions on the proposed artisan market units, i.e. no sale of hot food?

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10. Will the market units or apartments be built first?
11. Why doesn't the developer sub-divide the existing Market Place empty units?
12. How much disruption will there be during works and how long will it take?
13. What is the tenure type of apartment?
14. Concerns from existing market traders that use the site that they will no longer be able to trade at the site;
15. Loss of light to the existing Plaza Café that sits within the Bus Station building;
16. Proposal will take trade from the High Street.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? At the requests of the Local Authority's Ecologist a Preliminary Bat Roost Assessment was undertaken by a competent ecologist. An inspection of the existing building was undertaken in February 2019 to assess the potential of the built structure to support roosting bats. No potential bat roost features were noted and no evidence of bat ingress was found. Therefore the building is considered to provide low bat roosting potential. On this basis no objection is raised subject to biodiversity enhancement conditions and advice.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The application is for residential development and commercial space and as such if granted it would be liable to pay the Community Infrastructure Levy. Blackwood lies within the Mid Viability Area and new general market housing is liable to pay £25 per square metre and A1 retail development is liable to pay £100 per square metre (both index linked). In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations. It is also noted that the Community Council will benefit to the sum of 15% of the CIL levy collected.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. As the application comprises two elements, these will be considered separately below for the purposes of clarity. It should however be noted that the proposal is recommended for approval subject to a Section 106 Agreement that requires the developer to construct and make available the Artisan Market units prior to occupation of the proposed residential apartments. This is discussed in more detail below.

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The site lies within the settlement boundary for Blackwood as designated in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP). The main issues are as follows:

RESIDENTIAL ELEMENT:

- Loss of A1 retail space within principal retail area;
- The principle of introducing residential development into the town centre;
- Visual impact of proposed development;
- Impact on amenity of nearby residential properties;
- Car parking requirements and loss of existing town centre car parking;

1. Loss of A1 retail space within Principal Town Centre area

The site in question is located within the Principal Town Centre boundary of Blackwood, and therefore the provisions of Policy CW14 (Use Class Restrictions - Retail) of the adopted Caerphilly County Borough Local Development Plan up to 2021 (LDP) apply. Criterion A stipulates that changes of use of the ground floors of A1 retail premises to other (non-residential) uses will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year. As of 2016 (the most recently available data), the vacancy rate for Blackwood was 11.2%, a slight decrease from 12.5% in 2015. The proposal therefore meets the provisions of Policy CW14.

This proposal complies with national and local policy and will potentially diversify the uses within the town centre. However it should be noted that the vacancy rate in Blackwood town centre is due largely to the number of smaller units that are empty and which are not attractive to the national retailers and it is disappointing that one of the few large units will be sub divided. It would be desirable to encourage retailers to locate in existing units of a suitable size, rather than seek the subdivision of single, larger units, however it is accepted that this is not a matter which this application can, nor should be expected to, address.

The remaining, undeveloped part of the former Somerfield Supermarket has a floor area of approximately 1300 square metres. The proposed Artisan Market development will create 560 square metres of new commercial floor space within the defined Principal town Centre. Whilst this is not a like for like replacement in terms of floor area, it is noted that the Somerfield Building has been vacant since 2001 and is relatively divorced from the town centre. Therefore its redevelopment for residential purposes is seen as making a positive contribution to the vitality and viability of the town centre by way of increasing footfall.

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This consideration is reinforced by Technical Advice Note (TAN) 23: Economic Development (2014). TAN 23 provides guidance on the economic development issues relevant to the consideration of this application. High Level Planning Objectives are outlined in Paragraph 1.2.1 and 1.2.2 of TAN 23 which state that 'it is essential that the planning system recognises, and gives due weight to the economic benefits associated with new development' and that 'planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary.

2 The principle of introducing residential development into the town centre

Paragraph 4.3.1 of Planning Policy Wales - Edition 10 states that retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

Welsh Government's objectives for retailing and town centres are to:

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.

Paragraph 4.3.5 explains the change in nature of retailing and identifies that many retail and commercial centres will experience both growth and decline, in some retail centres it might be appropriate to identify locations for expansion whilst in others it may be necessary to identify measures to reinvigorate centres.

This is further supported by Paragraph 4.3.30 which states that although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute to its vibrancy and that policies should encourage a diversity of uses in centres.

Paragraph 4.3.33 states that "vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's wellbeing and success, whilst also reducing the need to travel."

In assessing development proposals within defined centres, planning authorities should assess retail and commercial centre performance and their overall vitality and viability. This is further explained in Paragraph 4.3.36 which outlines that where premises have been vacant for some time and may undermine a centre's vitality and viability "planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

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Technical Advice Note 4 (TAN 4) also provides guidance on the issues relevant to the consideration of this application.

Paragraph 9.1 states that "vibrant and viable centres are distinguished by a diversity of uses and activities."

Whilst Paragraph 9.2 advocates that local planning authorities should consider applying a flexible approach to the consideration of planning applications, considering "the positive role that non A1 uses" can bring to a centre.

Creating vibrant and viable town centres and allowing diversification can contribute to "increasing the period of time a shopper spends in a centre as well as providing places for social and business interaction."

Paragraph 9.5 states that long term vacant property can have a detrimental effect on the appearance and economic performance of a centre. This is a key consideration in the determination of this application as this unit has been vacant since 2001.

It is widely recognised that the face of small regional towns is changing. It is no longer the case that A1 retail uses only will be allowed, as it is important to facilitate a range of uses to encourage footfall in the interests of vitality and viability. The 47 proposed residential apartments will increase footfall within the town centre whilst re-developing a building that has been vacant for almost 20 years. For these reasons the proposed residential development is considered to be acceptable in principle.

3. Visual impact of proposed development

In visual terms, the primary impact will be when the building is viewed from the existing car park that bounds the site to the west. At present the building is essentially single storey with a high commercial roof above. The proposal will alter this elevation to a primarily three storey building with residential type fenestration. The overall height of the building when viewed from the car park will be similar to that of a town house. The use of brick to match the existing building coupled with timber cladding to add interest is considered to represent an improvement in visual amenity terms. In terms of views of the development from the east, these will be at a considerable distance, i.e. from upper Woodfieldside and lower Penmaen. In relation to the existing ridge level, this increase in height is modest and will have little impact in visual terms at such distances. For these reasons, the proposed development is considered to be acceptable in visual amenity terms.

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4. Impact on amenity of nearby residential properties;

Given the position of the existing building in relation to existing residential properties that adjoining the application site, it is considered that a small number of properties will be affected by the proposal. In particular it is the properties at the southern end of Highland Terrace, i.e. Nos 3 & 4 Highland Terrace that will be impact most. At present the eaves level of the existing building is 3.5 metres above ground level at its point closest to No. 4 Highland Terrace. The submitted plans show this height increasing to 6.0 metres. Also, it is proposed to extend the element of the building closest to No. 4 Highland Terrace further east by approximately 3.0 metres. It is noted that there are no windows in the south facing side elevation of No. 4 Highland Terrace that will be directly impact by these proposed enlargement works. However, the resultant increased massing will alter the amount of shadowing the current building casts over this property and its front and rear garden areas.

On this basis, the applicant has submitted a shadow path analysis to illustrate the existing and proposed impact. The studies (a computer based programme) were carried out in June (mid-summer), March (the equinox month) and December (mid-Winter). The results of the shadow path analysis show that following development there will only be transient overshadowing over amenity areas surrounding the site, including the gardens to the north and north-west of the site. Based on BRE guidance, the limited increase in overshadowing of adjacent amenity areas would not warrant a refusal of planning permission, and therefore the development is considered to be acceptable in this regards.

The other potential impact of the development is increase overlooking of private amenity areas of nearby properties. At the northern extent of the proposed residential development, the building steps down from three-storeys to two-storeys. It is probable that this step in the building was to reduce the overbearing/overshadowing impact on the properties to the north. Whilst no windows are proposed in the north facing, side elevation of the proposed building, a first floor lounge window is proposed that will face west. At a 45 degree angle, the distance from this window to the rear amenity space of No. 4 Highland Terrace is approximately 10-12 metres. However, given the angle of this view, coupled with the property adjoining No. 4, i.e. No. 3 having a similar view into the rear garden, this relationship is not considered to be unacceptable, and would not warrant a refusal of planning permission.

5. Car parking requirements and loss of existing town centre car parking

The application proposes to create 47 residential apartments (1 and 2 bedrooms). Whilst the adopted Car Parking Standards generally require one parking space per dwelling, the application site is located in a highly sustainable location in terms of its proximity to Blackwood bus Station as well as the vast range of services in Blackwood Town Centre. Therefore it is considered that the proposed level of parking, i.e. 1 space per apartment, is adequate.

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A condition will be attached to the permission requiring these spaces to be allocated to specific apartment to avoid potential conflict in the future. A Condition will also be attached to the permission requiring further details of parking provision to serve the existing Gym use.

On a separate note, the existing car park is privately owned and therefore loss of existing parking spaces to serve the Town Centre is not a material consideration. Furthermore, there are several Local Authority 'pay and display' car parks in close proximity to the site which appear to be underutilised at present. On this basis it is not considered that the allocation of 47 spaces to serve the residential development will have a detrimental impact on the viability of the existing Town Centre.

ARTISAN MARKET:

1. Loss of existing traditional open air market area

At present, the open air market operates on the site 2-3 times per week, i.e. Tuesdays, Fridays and Saturdays. It is recognised that this is an important retail offer that encourages footfall and commercial activity in the Town Centre. The proposal would create 20 permanent artisan market units on the site of the existing Market Square. This area is located within the Principal Town Centre boundary where retail uses are considered to be acceptable. The proposed development represents an excellent opportunity for outside investment in Blackwood Town Centre that aims to improve the retail offer of the town and improve viability.

The submitted plans show that space will be made available between and around the proposed permanent units to allow existing market traders to continue to operate. It is recognised that this historic use of the site is important and therefore the provision of space for such occasional use will be required by way of planning Condition.

2. Impact on Bus Station building

The scheme as originally submitted showed the proposed 'U' shaped Artisan market building projecting further to the east, i.e. across the northern frontage of the Bus Station building. This building is recognised as being architecturally important within the Town centre and currently there are unrestricted views of its northern elevation (when the Market Square is not being used for an open air market). On this basis the applicant was asked to reduce the overall length of the building in its position closest to the bus station. Amended plans have been submitted to this effect, and the result is broader views of the existing bus station when viewed from the north. This compromise on the part of the developer is considered to overcome this potentially negative impact. It should also be noted that the proposed Artisan market units will be sited approximately 10 metres away from the Bus Station at their nearest point. Given the limited height of the proposed units, this distance of separation will ensure there is no unacceptable overbearing or overshadowing impact that could detract from the use of the existing café that sits within the northern part of the Bus Station building.

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Conclusion

Consideration of this proposal needs to be seen in the context of the evolution of Blackwood Town Centre. The proposed development is in a sustainable location and benefits from all the services offered by Blackwood Town centre and is within close proximity to Blackwood Bus Station. Whilst the vacancy rate within Blackwood Town Centre remains relatively low (below 10%), the former supermarket store has been vacant since 2001, with no significant interest in its beneficial re-use as an A1 retail premise. The development proposal seeks to utilise this vacant retail space to create 47 apartments that would positively contribute to meeting local housing need and once occupied would increase footfall and patronage to this area of town.

Given that the proposal to develop the former supermarket would result in the loss of retail floor space, this should be offset with the development of the artisan market in advance of the beneficial occupation of the apartments, this requirement should be set out in a legal agreement with the developer in order to ensure the future vitality and viability of this area of the town centre. The artisan market units will provide an additional retail offer to the town, providing relatively small units that are likely to appeal to small businesses and traders, diversifying and re-invigorating the 'offer' of the town centre.

Comments from Consultees: The issues raised by the Head of Public Protection are discussed above. It is considered that these issues can be appropriately controlled by way of Condition. Conditions will also be attached to the permission relating to the control of Noise and Dust during demolition and subsequent construction works.

No objections are raised by other Consultees subject to Conditions and advice.

Comments from public:

1. Loss of privacy to nearby residential properties - This issue has been addressed in detail above in the analysis section.
2. Loss of outlook/view - This issue has been addressed in detail above in the analysis section.
3. Devaluation of property - This is not a material planning consideration.
4. Inadequate car parking to serve proposed development - Adequate provision of car parking is proposed as part of the development. A condition will also be attached to the permission to ensure adequate levels of car parking are provided to serve the existing gym use.
5. Potential damage from trees within the application site - A small amount of ornamental planting is proposed within the existing car park area. A condition will be attached to the permission requiring details of a landscaping scheme. The Council's Landscape Architect will comment on this landscaping scheme and therefore no trees that could damage adjoining properties would be considered appropriate as part of this landscaping scheme.

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6. Potential anti-social behaviour associated with the Market Place development - It is anticipated that a permanent presence on the Market Square will reduce anti-social behaviour by virtue of increased daily footfall.
7. How many car parking spaces will be retained for use by the public/shoppers - The existing car park is privately owned. Adequate levels of town centre parking are available in the car parking areas that surround the town centre. Furthermore, planning policy wales (Edition 10) encourages use of modes of transport other than private vehicles. The site is in very close proximity to Blackwood Bus Station.
8. Where will the existing outdoor market be held? - This matter will be controlled by way of Condition.
9. Will there be restrictions on the proposed artisan market units, i.e. no sale of hot food? - The units will be approved as an A1 retail use.
10. Will the market units or apartments be built first? - As the development involves losing a large amount of available retail space in the former Somerfield Supermarket building, the Section 106 Legal Agreement will require that the Artisan Market units be provided prior to first occupation of the approved residential apartments.
11. Why doesn't the developer sub-divide the existing Market Place empty units? - This does not form part of the current application, which must be determined on its own individual merits.
12. How much disruption will there be during works and how long will it take? – Inevitably there will be disruption during works, as with all development. However, conditions will be attached to the permission to reduce the potential impact.
13. What is the tenure type of apartment? - This is not a planning matter. 25% of the units will be affordable housing.
14. Concerns from existing market traders that use the site that they will no longer be able to trade at the site - The applicant has indicated that existing traders will still be able to use the site, and that this will be actively encouraged as it increases footfall. A condition will be attached to the permission requiring details of spaces to be made available to these traders and a likely timetable for their use.
15. Loss of light to the existing Plaza Café that sits within the Bus Station building - As discussed above, the market place units are single storey and a suitable distance away from the bus station to ensure this is not an issue.
16. Proposal will take trade from the High Street - The application site is located within the defined town centre. The proposal aims to provide a different offer that will hopefully increase footfall and related viability and vitality.

Other material considerations: The proposal to develop 47 units (including 11 affordable units) would make a significant contribution to the housing land supply.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision and the requirement to provide the Artisan Market Units prior to first occupation of the residential apartments. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

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These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy. In terms of the requirement to provide the Market Units first, given the proposal involves the loss of a large area of retail floor space within the town centre boundary, it is important that the compensatory retail space is secured by way of legal agreement.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Blackwood area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents. In terms of the phasing of the developments, the requirement to provide the retail element first is directly related to the development.

The third point relates to fairness of scale and kind. In this regard discussions with the developer have resulted in an affordable provision of 25%, i.e. 11 of 47 properties. In view of the projected financial position for this site these levels were considered to be reasonable.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 25% affordable housing. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015. The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Pobl Group. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No: 2212/112C, Second Floor Plan, received 07.03.2019;
Dwg No: 2212/110C, Ground Floor Plan, received 07.03.2019;
Dwg No: 2212/111C, First Floor Plan, received 07.03.2019;
Dwg No: 2212/102C, Proposed Site Plan, received 06.03.2019;
Dwg No: 2212/104A, Proposed Site Plan, received 06.03.2019;
Dwg No: 2212/100A, Site Location Plan, received 06.03.2019;
Dwg No: 2212/101A, Site Block Plan, received 06.03.2019;
Preliminary Bat Roost Assessment (PRA) Report, prepared by Pearce Environment Ltd., received 23.02.2019;
Dwg No: 2212/129A, Proposed Elevations Sheet 2, received 23.02.2019;
Dwg No: 2212/129A, Proposed Elevations Sheet 1, received 23.02.2019;
Dwg No: 2212/127, Proposed Courtyard Elevations, received 23.02.2019;
Dwg No: 2212/118A, Proposed Ground Floor Plan, received 23.02.2019;
Dwg No: 2212/113A, Roof Plan, received 02.01.2019;
Dwg No: 2212/125, Proposed East and West Elevations, received 02.01.2019;
Dwg No: 2212/126, Proposed North and South Elevations, received 02.01.2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
 - (i) control of noise,
 - (ii) control of dust, smell and other effluvia,
 - (iii) control of surface water run off,

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- (iv) site security arrangements including hoardings,
- (v) proposed method of piling for foundations,
- (vi) construction and demolition working hours,
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the first occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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- 08) The hole within the western elevation of the building must be covered with a suitable ventilation grille as soon as possible (no later than the 31st March 2019 with one similar to existing grilles elsewhere on the building with a fine mesh behind the slats) to prevent the potential ingress of bats during the active season. A check for nesting birds inside the building must also be undertaken prior to the replacement of the grille to ensure no birds are trapped within the building and the results of which submitted to the local Planning Authority for approval.
REASON: To ensure adequate protection to European Protected Species.
- 09) Prior to the commencement of development (excluding demolitions) details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to protected species.
- 10) Prior to the commencement of any works (excluding demolition) associated with the development hereby approved, as recommended in the submitted Preliminary Bat Roost Assessment Report, a plan showing details of the provision of a minimum of 4 boxes/roosts and a means of access for bats in the existing or new buildings at 12 The Market Place, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the existing or new buildings hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2019) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of any works on site (excluding demolition), as recommended in the submitted Preliminary Bat Roost Assessment Report, details of the provision of a minimum of 2 nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the existing or new buildings at 12 The Market Place, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the existing or new buildings hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2019) and Tan 5 Nature Conservation and Planning (2009).

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- 12) Prior to the commencement of the development (excluding demolition) details shall be submitted to the Local Planning Authority for their written approval showing collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas details shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of works (excluding demolition) details shall be submitted to the Local Planning Authority for their written approval providing further detail of the proposed internal amenity space to serve the approved residential apartments. Details shall include furniture, planting, etc. The agreed amenity area shall be completed prior to first occupation of the approved apartments and retained thereafter for the lifetime of the development.
REASON: In the interests of the residential amenity of future occupiers.
- 14) In accordance with the amended block layout plan received 6th March 2019, prior to the commencement of the development (excluding demolition) further details shall be submitted to the Local Planning Authority for their written approval showing the type and position of the electric vehicle charging point to be provided as part of the development. This agreed charging point shall be installed and be fully operation prior to first occupation of the residential element of the proposal, and shall be maintained thereafter for the lifetime of the development.
REASON: In the interests of promoting clean energy and in the interests of air quality.
- 15) Prior to the commencement of the development (excluding demolition) details shall be submitted to the Local Planning Authority outlining what acoustic measures will be provided to ensure external noise sources do not have an unacceptable impact on the living conditions of future occupiers of the residential apartments hereby approved. The development shall be undertaken in accordance with this agreed acoustic scheme and maintained thereafter for the lifetime of the development.
REASON: In the interests of the residential amenity of future occupiers.

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- 16) The car parking provision as shown on the amended block layout plan (Dwg No: 2212/101A) received 06.03.2019 shall be provided prior to first occupation of the residential apartments hereby approved. Each apartment shall be allocated an individual space. The parking provision shall be maintained unrestricted for the parking of private motor vehicles only for the lifetime of the development.
REASON: To ensure appropriate levels of off-street parking are provided to serve the proposed development in accordance with the Adopted Car Parking Guidelines
- 17) Notwithstanding the submitted plan, prior to the commencement of the development, details shall be submitted to the Local Planning Authority for their written approval, detailing parking provision to serve the Gym that occupies part of the application site. The development shall be carried out in accordance with the agreed details and this area shall be kept free for the parking of vehicles associated with the gym only at all times.
REASON: To ensure adequate levels of parking area provided to serve the existing commercial use onsite.
- 18) The Artisan Market units hereby approved shall be used for Class A1 purposes and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: In the interests of exercising appropriate control over the use of the approved units in accordance with policy CW14 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Prior to first use of any of the approved Artisan market unit, details shall be submitted to the Local Planning Authority for their written approval showing areas on the Market Square site to be made available to 'open air market traders' that may wish to use the site on an occasional basis. The agreed areas shall be kept free for such a use at all times unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure traditional open air market traders can continue to trade in the Town Centre.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, C3, CW4, CW5.

Please find attached the comments of Welsh Water, The Council's Ecologist, Senior Engineer (Land Drainage), Housing Enabling Officer, Wales & West Utilities that are brought to the applicant's attention.

